

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

UNITED STATES OF AMERICA

v.

MAURICE DUBOSE

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Cr. No. 04-10291-RGS

**UNITED STATES' RESPONSE TO DEFENDANT'S MOTION FOR
CLARIFICATION OF RULING**

The United States respectfully submits this response to the defendant's motion for clarification. As the docket reflects, the United States filed an ex parte motion and memorandum in support on January 19, 2005, (Docket numbers 16 and 17), which Judge Saris granted on January 28, 2005. The docket entry reflecting this action reads in relevant part as follows: Judge Patti B. Saris: Electronic ORDER entered granting [16] Ex Parte Motion as to Maurice Dubose.

Along with the ex parte motion, the government filed a motion to seal. (Docket number 15). It is on the motion to seal that Judge Saris wrote the following: "Allowed. However this motion shall not be sealed. My rulings shall not be sealed." The government submits that Judge Saris' rulings are perfectly clear. That is, Judge Saris granted the ex parte motion and also granted the motion to seal as it related to the ex parte motion and supporting memorandum. She refused to seal the motion to seal itself or her action on the ex parte motion. Thus, the docket properly reflects that Judge Saris granted the ex parte motion, while the particulars of the motion—and the supporting memorandum—remain under seal.

Although styled as a motion for clarification, defense counsel is attempting to determine the information contained in the government's ex parte motion and to litigate the merits. Both actions are at odds with the purpose of a motion for ex parte relief, a procedure specifically

contemplated by Local Rule 116.6(B).

WHEREFORE, the United States respectfully requests the Court to deny the defendant's Motion for Clarification of Ruling.

Respectfully submitted,

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